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9 ATTORNEY FOR PLAINTIFF
10 SOLO INDUSTRIES, INC.
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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 SOLO INDUSTRIES, INC.,) No.
16 vs.)
17 Plaintiff,) COMPLAINT FOR:
18 MIKE'S NOVELTIES, INC., MIKE'S)
19 WORLDWIDE, LLC and MIKE'S) 1. PATENT INFRINGEMENT
20 WORLDWIDE, INC all doing business as)
21 MIKE'S WORLDWIDE, INC.,) 2. TRADEMARK INFRINGEMENT, FALSE
22 WWW.GOMWI.COM, and MIKES) ADVERTISING, AND UNFAIR BUSINESS
23 WORLDWIDE IMPORTS and MANISCH) PRACTICES
24 CHANDER, also known as MIKE CHANDER,) 3. COUNTERFEITING
25 MANISCH CHANDRA, and MIKE) 4. COPYRIGHT INFRINGEMENT
26 CHANDRA, individually)
27 Defendants.)

28 Plaintiff Solo Industries, Inc. ("SOLO") submits this Complaint for Patent Infringement,
29 Trademark Infringement, False Advertising, Unfair Business Practices, and Counterfeiting
30 against defendants Mike's Novelties, Inc., Mike's Worldwide, LLC and Mike's Worldwide, Inc.
31 doing business as Mike's Worldwide, Inc., www.gomwi.com, and Mike's Worldwide Imports
32 (collectively, "MWI") and Manisch Chander, also known as Mike Chander, Manisch Chandra,
33 and Mike Chandra, individually, ("Mr. Chander") (all defendants will collectively be referred to
34 as "Defendants") as follows:

35 **INTRODUCTION**
36

1 1. SOLO invented a self-lighting integrated smoking device (“Solopipe”). The
2 Solopipe is a novel invention conceived in California and marketed internationally. The Solopipe
3 combines the functionality of a lighter with a pipe.

4 2. The U.S. Patent and Trademark Office (“USPTO”) granted SOLO three (3)
5 patents and one (1) trademark registration for the mark SOLOPIPE protecting the valuable
6 intellectual property associated with its Solopipe.

7 3. SOLO has revolutionized the market in smoking pipes with its Solopipe by
8 integrating a bowl for storage of smoking material, an ignition source, a fuel source, and a
9 chamber to carry smoke to the user into one device. The revolutionary, patented design was the
10 result of SOLO’s large investment in innovation and has led to the extraordinary acclaim and
11 success of SOLO. Solopipe has had commercial success both in the United States and
12 internationally.

13 4. Defendants sell a self-lighting integrated smoking device using the mark
14 “SOLOPIPE” on its website at www.gomwi.com and in its catalogs.

15 5. This action seeks damages for patent infringement, trademark infringement, false
16 advertising, unfair business practices, and product counterfeiting relating the unauthorized sale
17 of a self-lighting integrated smoking device sold under the trademark SOLOPIPE. The claims are
18 made against MWI and Mr. Chander as an owner, officer, director, and/or member of MWI.

19 6. Defendants have systematically copied SOLO’s innovative technology, product
20 features, designs, and trademark and have flooded the market with its infringing and competing
21 product in an effort to take market share from SOLO. Instead of pursuing their own independent
22 product development, Defendants have blatantly copied SOLO’s innovative technology in
23 violation of SOLO’s intellectual property rights.

24 7. Despite an array of intellectual property rights protecting the Solopipe,
25 Defendants have engaged in significant counterfeiting. Defendants’ counterfeit Solopies

deceive consumers into believing the product that they purchased is an authorized product of SOLO. Consumers falsely believe, when purchasing Defendants counterfeit Solopipe, that they will receive all of the benefits of a legitimate SOLO product.

8. This action seeks injunctive relief and damages against Defendants for patent infringement, trademark infringement, false advertising, unfair business practices, and product counterfeiting relating to the unauthorized manufacturing, importation, offering for sale, and sale of counterfeit self-lighting integrated smoking devices sold by Defendants under the trademark SOLOPIPE. The claims are made against MWI and Mr. Chander as an owner, officer, director, and/or member of MWI.

PARTIES

9. SOLO is a corporation duly organized and operating under the laws of the State of California with its principal place of business located in the County of Los Angeles, State of California.

10. Upon information and belief, defendants Mike's Novelties, Inc., Mike's Worldwide, LLC and Mike's Worldwide, Inc. doing business as Mike's Worldwide, Inc., www.gomwi.com, and Mike's Worldwide Imports are Texas corporations or limited liability companies with their principal place of business in Houston, Texas. On information and belief, MWI is engaged in the business of importing, distributing, offering to sell, and selling products through its online retail website over the internet throughout the United States and the World.

11. Upon information and belief, Manisch Chander, also known as Mike Chander, Manisch Chandra, and Mike Chandra is an individual residing in the Houston, Texas metropolitan area. Upon information and belief, Mr. Chander is the owner, officer, director, and/or member of MWI.

12. Upon information and belief, Mr. Chander directed and controlled and continues to direct and control the infringing activity of manufacturing, importation, offering for sale, and selling of the counterfeit products by MWI.

JURISDICTION AND VENUE

13. This action arises under the Patent Act, 35 U.S.C. § 1, *et seq.* and the Lanham Act, 15 U.S.C. §§ 1051, *et seq.* The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question) and 1338(a) (any Act of Congress relating to patents and trademarks) and, supplemental jurisdiction pursuant to 28 U.S.C. §1337(a) (supplemental jurisdiction over related actions arising under state law).

14. The Court has personal jurisdiction over Defendant because Defendant has committed and continues to commit acts of infringement in violation of the Patent Act, 35 U.S.C. § 1, *et seq.* and the Lanham Act, 15 U.S.C. §§ 1051, *et seq.* by placing infringing products into the stream of commerce, with the knowledge that such products are sold in the State of California, including this district. Defendants are subject to the personal jurisdiction of this Court as they have done business in this district and a substantial part of the events giving rise to SOLO's claims occurred in or were aimed at this judicial district. Defendants have purposefully availed themselves of the benefits of doing business in the State of California, by advertising and promoting goods to the residents of California and by causing injury to SOLO within California.

15. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b) in that, on information and belief, Defendants have done business in this district and a substantial part of the events giving rise to SOLO's claims occurred in or were aimed at this judicial district.

BACKGROUND AND FACTS

16. SOLO is the creator and inventor of Solopipe, a self-lighting integrated smoking device.

1 17. Solopipe is a novel invention conceived in California and marketed
2 internationally. SOLO acquired its patents, trademarks, and copyrights to protect the valuable
3 intellectual property associated with the Solopipe.

4 18. SOLO undertook significant efforts and extensive costs to create and develop its
5 Solopipe and to apply for patent registrations.

6 19. SOLO filed three (3) patent applications for the Solopipe with United States
7 Patent and Trademark Office (“USPTO”), all of which were granted registration.

8 20. As a result of its efforts, SOLO is the owner of U.S. Design Patent Registration
9 No. D577,150 (the “D’150 Patent) for an “Integrated Smoking Implement” issued on September
10 16, 2008. *See* copy of the D’150 Patent attached as Exhibit A.

11 21. SOLO is the owner of U.S. Utility Patent Registration No. 7,905,236 (the “‘236
12 Patent) for an “Integrated Smoking Device” issued on March 15, 2011. *See* copy of the ‘236
13 Patent attached as Exhibit B.

14 22. SOLO is the owner of U.S. Utility Patent Registration No. 7,753,055 (the “‘055
15 Patent) for an “Integrated Smoking Device” issued on July 13, 2010. *See* copy of the ‘055 Patent
16 attached as Exhibit C.

17 23. In addition, SOLO filed a trademark application with the USPTO on May 24,
18 2007 which resulted in SOLO receiving a Trademark Registration No. 3,375,493 for the mark
19 SOLOPIPE (the “SOLOPIPE Mark”) on January 29, 2008. *See* copy of the U.S. Certificate of
20 Registration for the mark SOLOPIPE attached as Exhibit D.

21 24. SOLO also owns California Trademark Registration No. 112969 for the mark
22 SOLOPIPE. See copy of the California Certificate of Registration for the mark SOLOPIPE
23 attached as Exhibit E.

24 25. SOLO’s Solopipe is manufactured by a licensed manufacturer and sold to
25 licensed wholesalers and retailers across the United States and the world.

1 26. SOLO only licenses one manufacturer to produce its Solopipes.
2

3 27. SOLO only allows its licensees to sell the Solopipe to retailers or consumers.
4

5 28. Since 2007, SOLO has continuously used its SOLOPIPE Mark to identify its
6 patented Solopipes from the self-lighting pipes of others.
7

8 29. SOLO undertakes significant efforts, and expends considerable sums each year, to
9 ensure that its Solopipes cannot be purchased through any wholesaler or retailer that is not
10 controlled or licensed by SOLO.
11

12 30. At no time has SOLO licensed or otherwise authorized Defendants to
13 manufacture or sell its Solopipes and related products or use the Solopipe Mark.
14

DEFENDANTS' INFRINGING ACTIVITY

15 31. Rather than innovate and develop their own technology, Defendants have chosen
16 to copy SOLO's technology in its Solopipe.
17

18 32. Upon information and belief, Defendant has been and is infringing SOLO'S D'
19 150 Patent by manufacturing, importing, offering to sell, and selling a self-lighting integrated
20 smoking device, under the SOLOPIPE Mark, that copies SOLO's technology and innovative
21 style contained in SOLO's D'150 Patent.
22

23 33. Upon information and belief, Defendant has been and is infringing SOLO's '236
24 Patent by manufacturing, importing, offering to sell, and selling a self-lighting integrated
25 smoking device, under the SOLOPIPE Mark, that copies SOLO's technology contained in
26 SOLO's '236 Patent.
27

28 34. Upon information and belief, Defendant has been and is infringing SOLO's '055
29 Patent by manufacturing, importing, offering to sell, and selling a self-lighting integrated
30 smoking device, under the SOLOPIPE Mark, that copies SOLO's technology contained in
31 SOLO's '055 Patent.
32

1 35. Upon information and belief, Defendants have been and are infringing SOLO's
2 D' 150, '236, and '055 Patents by manufacturing, importing, offering to sell, and selling its self-
3 lighting integrated smoking device, under the SOLOPIPE Mark, that copies SOLO's technology
4 and innovative style contained in SOLO's D' 150, '236, and '055 Patents at the direction and
5 control of defendant Mr. Chander.

6 36. Defendants' infringement of SOLO's patents identified in this Complaint
7 provides Defendants with unique functionality for his product that is the result of SOLO's
8 innovation, not Defendants'. Defendants have not obtained permission from SOLO to use its
9 inventions in the identified patents.

10 37. Defendants have had actual notice and constructive notice of SOLO's patent
11 claims in SOLO's D' 150, '236, and '055 Patents.

12 38. Upon information and belief, Defendants have been manufacturing, importing,
13 offering for sale, marketing, promoting, advertising, and selling self-lighting integrated smoking
14 devices to individuals, wholesalers, and retailers across the nation that infringe upon SOLO's
15 U.S. Trademark Registration No. 3,375,493, the SOLOPIPE MARK.

16 39. Upon information and belief, Defendants have been manufacturing, importing,
17 offering for sale, marketing, promoting, advertising, and selling self-lighting integrated smoking
18 devices to individuals, wholesalers, and retailers across the nation using nearly exact copies of
19 the SOLOPIPE Mark.

20 40. Upon information and belief, Defendants had both actual and constructive
21 knowledge of SOLO's ownership of and rights in the SOLOPIPE Mark.

22 41. Defendants adopted and used in commerce the SOLOPIPE Mark, and marks
23 confusingly similar to the SOLOPIPE Mark, with full knowledge that their infringing use of the
24 SOLOPIPE Mark was intended to cause confusion, mistake, and deception among consumers.

42. Defendants offer their goods and services incorporating the infringing marks in the same channels of trade as those which SOLO offers its legitimate goods and services.

43. Consumers seeking SOLO's legitimate goods and services are likely to be confused and deceived or mistake Defendants' infringing goods and services as being affiliated, connected, or associated with SOLO.

44. Upon information and belief, MWI has been manufacturing, importing, offering for sale, marketing, promoting, advertising, and selling self-lighting integrated smoking devices incorporating the SOLOPIPE Mark at the direction and control of Mr. Chander.

45. Defendants are trading off of the goodwill and reputation established by SOLO by using SOLO's SOLOPIPE Mark.

COUNT I
PATENT INFRINGEMENT
(Infringement of the D' 150 Patent)

46. SOLO repeats and re-alleges the allegations of paragraphs 1 through 45, as though fully set forth herein.

47. Upon information and belief, Defendants have infringed and continue to infringe, directly and indirectly through contributory and/or induced infringement, one or more claims of the D' 150 Patent by manufacturing, importing, offering to sell, and selling in the United States its self-lighting integrated smoking device. Defendants' activities violate 35 U.S.C. § 271.

48. Upon information and belief, Defendants' infringement of the D'150 Patent has been and continues to be intentional, willful, and without regard to SOLO's rights. Upon information and belief, Defendants' infringement of the D' 150 Patent is and has been intentional, deliberate, and willful at least because Defendants have had knowledge of the D'150 Patent as a result of its participation in the pipe manufacturing and selling industry.

49. Defendants, including Mr. Chander, had actual knowledge of the patent infringement by Defendants or was willfully negligent to the same. Defendant Mr. Chander

1 directed and materially profited from Defendants' infringing activity. As such, defendant Mr.
2 Chander is jointly and severally liable for the infringing activity.
3

4 50. Upon information and belief, Defendants' have gained profits by virtue of its
5 infringement of the D' 150 Patent.
6

7 51. SOLO has sustained damages as a direct and proximate result of Defendants'
8 infringement of the D'150 Patent.
9

10 52. SOLO is suffering and will continue to suffer irreparable harm from Defendants'
11 continued infringement of the D' 150 Patent. SOLO has no adequate remedy at law and is
12 entitled to an injunction against Defendants continuing infringement of the D' 150 Patent. Unless
13 enjoined, Defendants will continue to infringe its product.
14

15 **COUNT II**
16 **PATENT INFRINGEMENT**
17 **(Infringement of the '236 Patent)**

18 53. SOLO repeats and re-alleges the allegations of paragraphs 1 through 52, as
19 though fully set forth herein.

20 54. Upon information and belief, Defendants have infringed and continue to infringe,
21 directly and indirectly through contributory and/or induced infringement, one or more claims of
22 the '236 Patent by manufacturing, importing, offering to sell, and selling in the United States its
23 self-lighting integrated smoking device. Defendants' activities violate 35 U.S.C. § 271.1

24 55. Upon information and belief, Defendants' infringement of the '236 Patent has
25 been and continues to be intentional, willful, and without regard to SOLO's rights. Upon
26 information and belief, Defendants' infringement of the '236 Patent is and has been intentional,
deliberate, and willful at least because Defendants have had knowledge of the '236 Patent as a
result of their participation in the pipe manufacturing and selling industry.

56. Defendants, including Mr. Chander, had actual knowledge of the patent
infringement by Defendants or was willfully negligent to the same. Defendant Mr. Chander

1 directed and materially profited from Defendants' infringing activity. As such, defendant Mr.
2 Chander is jointly and severally liable for the infringing activity.
3

4 57. Upon information and belief, Defendants' have gained profits by virtue of its
5 infringement of the '236 Patent.
6

7 58. SOLO has sustained damages as a direct and proximate result of Defendants'
8 infringement of the '236 Patent.
9

10 59. SOLO is suffering and will continue to suffer irreparable harm from Defendants'
11 continued infringement of the '236 Patent. SOLO has no adequate remedy at law and is entitled
12 to an injunction against Defendants continuing infringement of the '236 Patent. Unless enjoined,
13 Defendants will continue to infringe its product.
14

15 **COUNT III**
16 **PATENT INFRINGEMENT**
17 **(Infringement of the '055 Patent)**

18 60. SOLO repeats and re-alleges the allegations of paragraphs 1 through 59, as
19 though fully set forth herein.

20 61. Upon information and belief, Defendants have infringed and continue to infringe,
21 directly and indirectly through contributory and/or induced infringement, one or more claims of
22 the '055 Patent by manufacturing, importing, offering to sell, and selling in the United States its
23 self-lighting integrated smoking device. Defendants' activities violate 35 U.S.C. § 271.

24 62. Upon information and belief, Defendants' infringement of the '055 Patent has
25 been and continues to be intentional, willful, and without regard to SOLO's rights. Upon
26 information and belief, Defendants' infringement of the '055 Patent is and has been intentional,
deliberate, and willful at least because Defendants have had knowledge of the '055 Patent as a
result of their participation in the pipe manufacturing and selling industry.

63. Defendants, including Mr. Chander, had actual knowledge of the patent
infringement by Defendants or was willfully negligent to the same. Defendant Mr. Chander

1 directed and materially profited from Defendants' infringing activity. As such, defendant Mr.
2 Chander is jointly and severally liable for the infringing activity.
3

4 64. Upon information and belief, Defendants' have gained profits by virtue of its
5 infringement of the '055 Patent.
6

7 65. SOLO has sustained damages as a direct and proximate result of Defendants'
8 infringement of the '055 Patent.
9

10 66. SOLO is suffering and will continue to suffer irreparable harm from Defendants'
11 continued infringement of the '055 Patent. SOLO has no adequate remedy at law and is entitled
12 to an injunction against Defendants continuing infringement of the '055 Patent. Unless enjoined,
13 Defendants will continue to infringe its product.
14

15 **COUNT IV**
16 **TRADEMARK INFRINGEMENT and UNFAIR BUSINESS PRACTICES**

17 67. SOLO repeats and re-alleges the allegations of paragraphs 1 through 66, as
18 though fully set forth herein.
19

20 68. SOLO owns U.S. and California trademark registrations for the mark SOLOPIPE.
21

22 69. SOLO also has common law trademark rights in the SOLOPIPE Mark.
23

70. SOLO has placed the SOLOPIPE Mark on its self-lighting integrated smoking
device in such a manner that the consuming public associates the word "SOLOPIPE" with a
unique, self-lighting integrated smoking device. The SOLOPIPE Mark is further stamped on the
housing of the lighter, screen printed on the sales case, and prominently depicted on the
www.solopipe.com website.
24

71. SOLO has used its federally and state registered SOLOPIPE Mark in commerce
in connection with its goods and services including its self-lighting smoking device.
25

72. Upon information and belief, Defendants have adopted and continue to use in
commerce SOLO's federal and state registered SOLOPIPE Mark and marks confusingly similar
to the SOLOPIPE Mark with knowledge of SOLO's superior rights, and with full knowledge that
26

1 their infringing use of SOLO's SOLOPIPE Mark was intended to cause confusion, mistake, and
2 deception among consumers.

3 73. None of the Defendants have sought or obtained a license from SOLO to use the
4 SOLOPIPE Mark for use on any products or for use in selling, offering for sell, advertising, or
5 marketing any product.

6 74. Defendants' infringing use of the SOLOPIPE Mark is likely to cause and has
7 caused consumer confusion, deception, and mistake as to the source, affiliation, connection, and
8 sponsorship of the infringing products.

9 75. Defendants' actions constitute knowing, deliberate, and willful infringement of
10 SOLO's federally and state registered trademarks. The knowing and intentional nature of the acts
11 set forth above renders this an exceptional case under 15 U.S.C. § 1117(a).

12 76. The trademark infringement and unfair business practices by Defendants and/or at
13 the direction of Mr. Chander is causing consumer confusion about the source and sponsorship of
14 these counterfeit goods.

15 77. Defendants, including Mr. Chander, had actual knowledge of the trademark
16 infringement and unfair business practices of Defendants or was willfully negligent to the same.
17 Defendant Mr. Chander directed and materially profited from the activities of Defendants'
18 trademark infringement and unfair business practices. As such, defendant Mr. Chander is jointly
19 and severally liable for the trademark infringement and unfair business practices.

20 78. As a direct and proximate result of Defendants' manufacturing, importing,
21 offering to sell, marketing, advertising, and selling self-lighting integrated smoking devices that
22 infringe SOLO's federal and state trademarks, SOLO has suffered financial injury to its business,
23 reputation, and goodwill. As a result, SOLO has been and will continue to be deprived of
24 revenues and profits it otherwise would make and has sustained a loss of goodwill.

79. SOLO has sustained damages as a direct and proximate result of Defendants' trademark infringement and unfair business practices.

80. SOLO is suffering and will continue to suffer irreparable harm from Defendants' continued infringement of the SOLO's federal and state trademarks and Defendants' unfair business practices. SOLO has no adequate remedy at law and is entitled to an injunction against Defendants continuing trademark infringement and unfair business practices. Unless enjoined, Defendants will continue their trademark infringement and unfair business practices.

COUNT V FALSE ADVERTISING

81. SOLO repeats and re-alleges the allegations of paragraphs 1 through 80, as though fully set forth herein.

82. Defendants' unauthorized use of the SOLOPIPE Mark in connection with their websites and other printed advertisements constitutes false advertisement under both federal and state trademark laws.

83. Defendants' unauthorized use of the SOLOPIPE Mark in connection with their websites and other printed advertisements falsely represents Defendants as the source of legitimate self-lighting integrated smoking devices sold under the SOLOPIPE Mark.

84. The unauthorized use by Defendants and/or at the direction of Mr. Chander falsely advertising Defendants as the source of legitimate SOLOPIPES has caused and will continue to cause SOLO irreparable harm.

85. Defendants, including Mr. Chander, had actual knowledge of the false advertisements of Defendants or was willfully negligent to the same. Defendant Mr. Chander directed and materially profited from the activities of Defendants' counterfeiting. As such, defendant Mr. Chander is jointly and severally liable for the counterfeiting.

86. SOLO has sustained damages as a direct and proximate result of Defendants' false advertising.

87. SOLO is suffering and will continue to suffer irreparable harm from Defendants' if Defendants are allowed to continue to falsely advertise. SOLO has no adequate remedy at law and is entitled to an injunction against Defendants continuing to falsely advertise using the SOLOPIPE Mark. Unless enjoined, Defendants will continue to falsely advertise using the SOLOPIPE Mark.

COUNT VI UNFAIR TRADE PRACTICES

88. SOLO repeats and re-alleges the allegations of paragraphs 1 through 87, as though fully set forth herein.

89. Defendants and SOLO are competitors in the market for self-lighting integrated smoking devices, making Defendants' sale of counterfeit products bearing the unauthorized federal and state registered trademarks a state unfair trade practice.

90. The unfair trade practices by Defendants and/or at the direction of Mr. Chander has caused irreparable injury to SOLO.

91. Defendants, including Mr. Chander, had actual knowledge of the business activities of Defendants unfair competition or was willfully negligent to the same. Defendant Mr. Chander directed and materially profited from the activities of Defendants' unfair trade practices. As such, Defendant Mr. Chander is jointly and severally liable for the unfair trade practices.

92. SOLO has sustained damages as a direct and proximate result of Defendants' unfair trade practices.

93. SOLO is suffering and will continue to suffer irreparable harm from Defendants' unfair business practices. SOLO has no adequate remedy at law and is entitled to an injunction

1 against Defendants preventing unfair trade practices. Unless enjoined, Defendants will continue
2 to unfairly compete with SOLO.
3

4 **COUNT VII**
5 **COUNTERFEITING**

6 94. SOLO repeats and re-alleges the allegations of paragraphs 1 through 93, as
7 though fully set forth herein.

8 95. Counterfeiting has been recognized as a serious issue resulting in tremendous
9 losses to American businesses. To combat counterfeits, Congress passed the “Anticounterfeiting
10 Consumer Protection Act of 1996” (“ACPA”).

11 96. California has a similar statute in Business and Professions Code § 14250.

12 97. Defendants are manufacturing, importing, offering for sale, and selling counterfeit
13 Solopipes.

14 98. The use by Defendants and/or at the direction of Mr. Chander of counterfeit
15 products that Defendants have manufactured, imported, offered for sale, and sold have caused
16 and is causing consumer confusion about the source and sponsorship of these counterfeit goods.

17 99. Defendants, including , Mr. Chander had actual knowledge of the business
18 activities of Defendants including but not limited to manufacturing, importing, offering for sale,
19 and selling of counterfeit goods, or was willfully negligent to the same. Defendant Mr. Chander
20 directed and materially profited from the activities of Defendants’ counterfeiting. As such,
21 defendant Mr. Chander is jointly and severally liable for the counterfeiting.

22 100. SOLO has sustained damages as a direct and proximate result of
23 Defendants’ counterfeiting.

24 101. SOLO is suffering and will continue to suffer irreparable harm from Defendants’
25 continued counterfeiting. SOLO has no adequate remedy at law and is entitled to an injunction
26

1 against Defendants from continuing to counterfeit. Unless enjoined, Defendants will continue to
2 counterfeit.
3

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff Solo Industries, Inc. prays that this Court grant it the following
6 relief:

7 A. With regard to Plaintiff's claims for patent infringement:

- 8 1. Actual damages to be trebled for willfulness;
- 9 2. Damages according to statute;
- 10 3. Attorney's fees; and
- 11 4. Costs of Suit.

12 B. With regard to Plaintiff's claims for federal and state trademark infringement and
13 unfair business practices:

14 1. Defendants' profits pursuant to the Lanham Act and California Trademark
15 Law;

- 16 2. Damages sustained by the Plaintiff for trademark infringement;
- 17 3. Damages according to statute;
- 18 4. Attorney's fees; and
- 19 5. Costs of Suit.

20 C. With the regard to Plaintiff's claims for counterfeiting:

21 1. Defendants' profits and statutory damages of up to \$ 1,000,000 per Defendant
22 under the ACPA;

- 23 2. Defendants' profits, these profits being trebled under state law;
- 24 3. Attorney's fees; and
- 25 4. Costs of Suit.

26 D. With regard to all claims as presented by the Plaintiff as against the Defendants:

1. Equitable relief in the form of a temporary, preliminary, and permanent injunction against all Defendants from the importation, distribution, sale, and use of any product, advertisement, and/or website that bears the SOLOPIPE Mark and/or infringes any element of the SOLOPIPE patent;

2. Monetary relief that the Court may see to award.
3. Statutory Damages of no less than \$ 1,000,000.00 per Defendant, including Mr. Chander as an officer, director and/or member.

For such other and further relief as the Court may deem just and proper

DATED this 15th day of January, 2016.

By /s/ Kevin Ryan Behrendt
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